

## Argenti, Matthew

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**From:** Eliot.Williams@bakerbotts.com  
**Sent:** Tuesday, July 07, 2015 4:29 PM  
**To:** Rosato, Michael  
**Cc:** Argenti, Matthew; hop.guy@bakerbotts.com; brad.bowling@bakerbotts.com  
**Subject:** RE: Echostar/Hughes v. Caltech: IPR2015-00059

Michael:

We have attempted to schedule the deposition of Ms. Fradenburg, but she is unwilling to appear voluntarily. To the extent Patent Owner would like her deposition, we suggest that you request issuance of a subpoena to compel her deposition. *See Marvell v. IV*, IPR2014-00553, Paper 28 (April 8, 2015). We also question whether the authenticity and publication date of the reference at issue is genuinely in dispute in this proceeding.

Regarding Dr. Pfister's availability, we can make him available at our offices in Palo Alto on July 22<sup>nd</sup>. As that would be slightly outside the typical time for completing the deposition, we would be amenable to a slight adjustment to the due dates in the current schedule. Let us know if you would like to propose such a modification.

Regards,

Eliot D. Williams  
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**From:** Rosato, Michael [<mailto:mrosato@wsgr.com>]  
**Sent:** Friday, June 12, 2015 3:42 PM  
**To:** Williams, Eliot D.  
**Cc:** Argenti, Matthew; Guy, Hop  
**Subject:** Echostar/Hughes v. Caltech: IPR2015-00059

Eliot,

We would like to schedule cross-examination of the witnesses who provided affidavit testimony in support of the EchoStar/Hughes petition. As you know, Rule 42.53(d)(2) prescribes that the party requesting cross-examination testimony choose the order in which the witnesses are to be cross-examined. As such, we will cross the witnesses in the following order, beginning with Ms. Fradenburg.

- Robin Fradenburg
- Dr. Pfister

Please provide us with dates on which the witnesses can be made available for cross-examination. You'll recall that the period for cross concludes on July 21<sup>st</sup> based on the scheduling order.

Best regards,

**Michael T Rosato**

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